

Before the
Federal Communications Commission
Washington, D.C. 20554

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|---------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MM Docket No. 01-21 |
| Table of Allotments, |) | RM-10050 |
| FM Broadcast Stations. |) | |
| (Genoa, Colorado) |) | |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 5, 2003

Released: February 7, 2003

By the Assistant Chief, Audio Division:

1. At the request of Genoa Broadcasting ("petitioner"), the Audio Division has before it a *Notice of Proposed Rule Making*.¹ proposing the allotment of Channel 288C3 at Genoa, Colorado, as the community's **first** local aural transmission service. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. **BK** Radio also filed comments in support of the proposal. After the record closed, Optima Communications, Inc. ("Optima") filed Comments accompanied by a Motion to Accept Late-Filed Comments, petitioner **filed** an Opposition accompanied by a Petition for Leave to File, and Optima filed Reply to Opposition accompanied by a Motion to Accept Reply Comments.

2. In support of its proposal, petitioner states that Genoa **is** located in Lincoln County in East Central Colorado. ~~Genoa has a 1990 U.S. Census population of 167 persons the 2000 U.S. Census population is 211 persons~~. Petitioner also states the allotment of Channel 288C3 will provide Genoa with its first local aural transmission service.

3. In its late-filed Comments, Optima Communications, Inc., licensee of Station KSKX(FM), Channel 288C3, Security, Colorado, contends that the proposed Channel 288C3 allotment at Genoa is defective.² Specifically, Optima argues that from the proposed site, a Channel 288C3 allotment cannot

¹ *Genoa, Colorado*, 16 **FCC** Rcd 2305 (M.M. Bur. 2001).

² **We will grant** the motions and accept the late-filed pleadings filed by Optima **and** petitioner because they **will** facilitate resolution of this case based upon a full and complete factual record.

³ The proposed Channel 288C3 allotment at Genoa conflicts with the one-step application to upgrade Station KSKX(FM) from Channel 288C3 to Channel 288C1 (File No. BPH-20010806ABB). This application was not filed by March 19, 2001, comment date in this proceeding.

provide the required 70 dBu signal to Genoa because of terrain obstruction.⁴

4. We reject the contention that the proposed Channel 288C3 allotment does not provide an unobstructed 70 dBu signal to Genoa as required by Section 73.315(a) of the Commission's Rules. We have undertaken our own engineering study based upon a terrain profile analysis between the proposed transmitter site (39-23-06 NL and 103-17-38 WL) and the center of Genoa (39-16-36 NL and 103-30-06 WL). This study presumes the maximum facilities for the Class C3 allotment with an effective radiated power of 25 kilowatts and an antenna height above average terrain of 100 meters. Based upon an antenna HAAT of 100 meters, there would be no terrain obstruction. In this instance, at the proposed transmitter site, the radiation center above mean sea level (RCAMSL) would be 1.676 meters while the average elevation on the radial between the transmitter site and Genoa is 1,525 meters AMSL with a maximum elevation of 1,572 meters AMSL. The proposed transmitter site is 22.0 kilometers from the farthest edge of the city of Genoa. In view of the fact that the 70 dBu contour of a Class C3 allotment with maximum facilities will extend 23.2 kilometers, the proposed Channel 288C3 allotment at Genoa will provide the requisite 70 dBu signal to all of Genoa.

5. We believe the public interest would be served by allotting Channel 288C3 at Genoa, Colorado, since it would provide the community with its first local aural transmission service. An engineering analysis has determined that Channel 288C3 can be allotted to Genoa in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.3 kilometers (13.3 miles) northeast to avoid a short-spacing to the license site of Station KVA Y(FM), Channel 289C1, Lamar, Colorado.⁵

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **March 24, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below to read as follows:

| <u>City</u> | <u>Channel No.</u> |
|-----------------|--------------------|
| Genoa, Colorado | 288C3 |

7. A filing window for Channel 288C3 at Genoa, Colorado, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED,

⁴ In its late-filed Comments, Optima suggests an alternate Channel 283C3 allotment for Genoa. This allotment would require a site restriction on the vacant Channel 284A allotment at Calhan, Colorado. We cannot entertain this proposal because it introduces the new community of Calhan into this proceeding after the comment date. See *Corpus Christi and Three Rivers, Texas*, 11 FCC Rcd 517 (M.M. Bur. 1996).

⁵ The coordinates for Channel 288C3 at Genoa are 39-23-06 North Latitude and 103-17-38 West Longitude.

9. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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